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Attorneys for Plaintiff
 CALIFORNIA RESTAURANT ASSOCIATION

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

CALIFORNIA RESTAURANT
 ASSOCIATION,

Plaintiff,

v.

THE CITY AND COUNTY OF SAN
 FRANCISCO and THE SAN FRANCISCO
 DEPARTMENT OF PUBLIC HEALTH,

Defendants.

Case No. CV-08-3247 (CW)

**STIPULATION AND [PROPOSED]
 ORDER VACATING JULY 15, 2008
 ORDER REGARDING BRIEFING
 SCHEDULE FOR PLAINTIFF'S
 MOTION FOR DECLARATORY
 RELIEF AND PRELIMINARY
 INJUNCTION AND REGARDING
 STAY OF EFFECTIVE DATE**

Honorable Claudia Wilken

STIPULATION

WHEREAS, on July 3, 2008, Plaintiff California Restaurant Association, Defendant City and County of San Francisco and Defendant San Francisco Department of Public Health (collectively, the "Parties") filed a Stipulation and Proposed Order Regarding Page Limits and Briefing Schedule Regarding Plaintiff's Motion for Declaratory Relief and a Preliminary Injunction and Regarding Stay of Enforcement ("July 3, 2008 Stipulation and Proposed Order");

WHEREAS, on July 15, 2008, the Court entered a Stipulation and Order Regarding Briefing Schedule for Plaintiff's Motion for Declaratory Relief and Preliminary Injunction Regarding Stay of Effective Date (the "July 15, 2008 Order"), which differs in certain material respects from the July 3, 2008 Stipulation and Proposed Order that Plaintiff filed with the Court; and

WHEREAS, Plaintiff has determined that the July 15, 2008 Order differs from the July 3, 2008 Stipulation and Proposed Order because Plaintiff inadvertently emailed a draft version of the Stipulation and Proposed Order to the Court's email address rather than the final version of the July 3, 2008 Stipulation and Proposed Order that was filed by Plaintiff with the Court and agreed to by the Parties;

WHEREFORE, IT IS HEREBY STIPULATED AND AGREED by and among the Parties hereto through their respective counsel that the July 15, 2008 Order should be vacated and the July 3, 2008 Stipulation and Proposed Order should be entered, subject to Court approval.

SO STIPULATED:

Dated: July 16, 2008

ARNOLD & PORTER LLP

By: Trenton H. Norris / SE
Trenton H. Norris
Attorneys for Plaintiff
CALIFORNIA RESTAURANT ASSOCIATION

1 Dated: July 16, 2008

DENNIS J. HERRERA
City Attorney
TARA STEELEY
FRANCESCA GESSNER
Deputy City Attorneys

4
5 By: 

Tara Steeley
Attorneys for Defendants

CITY AND COUNTY OF SAN FRANCISCO
AND SAN FRANCISCO DEPARTMENT OF
PUBLIC HEALTH

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9 **PURSUANT TO THE STIPULATION, IT IS SO ORDERED:**

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11 Dated: _____

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14 HONORABLE CLAUDIA WILKEN
UNITED STATES DISTRICT COURT JUDGE

PROOF OF SERVICE

I am over eighteen years of age, not a party in this action, and employed in San Francisco County, California at 90 New Montgomery Street, Suite 600, San Francisco, California 94104. I am readily familiar with the practice of this office for collection and processing of correspondence for hand delivery, and they are deposited that same day in the ordinary course of business.

On July 16, 2008, I served the attached:

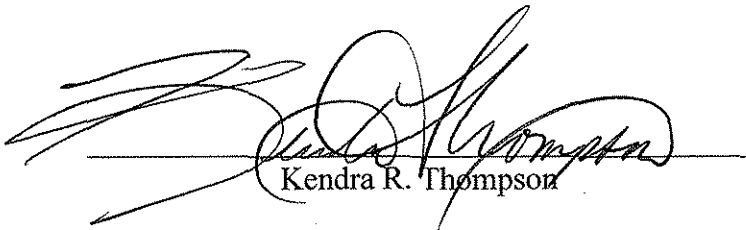
**STIPULATION AND [PROPOSED] ORDER VACATING
JULY 15, 2008 ORDER REGARDING BRIEFING
SCHEDULE FOR PLAINTIFF'S MOTION FOR
DECLARATORY RELIEF AND PRELIMINARY
INJUNCTION AND REGARDING STAY OF EFFECTIVE
DATE**



(PERSONAL SERVICE) by causing a true and correct copy of the above documents to be hand delivered in sealed envelope(s) with all fees fully paid to the person(s) at the address(es) set forth below.

Tara Steeley, Deputy City Attorney
Francesca Gressner, Deputy City Attorney
San Francisco City Attorney's Office
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4682

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on July 16, 2008, at San Francisco, California.


Kendra R. Thompson